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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/781,140	02/12/2001	Norbert Kollmann	A33966 (071308.0117)	7444

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EXAMINER

LEYKIN, RITA

ART UNIT

PAPER NUMBER

2837

DATE MAILED: 05/09/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/781,140

Applicant(s)

KOLLMANN, NORBERT

Examiner

Rita Leykin

Art Unit

2837

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☒ Claim(s) 7-9 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 2-9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The independent claim 2 is vague and indefinite, because the phrase in lines 10-12 do not point out and distinctly claim as which "voltage inputs operatively coupled to said at least two voltage outputs" and how is "the drive direction of the motor is being determined by the polarity of the signal at the at least two voltage inputs".

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-4, 5/2, 5/3, 5/4 and 6 are rejected under 35 U.S.C. 102(b) as being anticipated by Borrmann US # 4,910,445.

Considering the confusion cited under 112 (2) paragraph rejection above, and as best understood by the examiner, Borrmann discloses an actuation device for movable parts for closing of apertures in vehicles, having a reversible direct current drive motor, a polarity reversing actuating switch in the motor circuit with polarization corresponding to the desired motor rotational direction.

With reference to Fig. 1 and column 4, lines 42-68 and column 5, lines 1-35, Borrmann shows a motor driving unit comprising :

- An actuation unit with motor 6;
- A Battery 15, as a source of electrical energy providing positive and negative voltage polarities that determines the actuation direction of the motor;
- Polarity reversing actuating switching device S1 in the motor circuit for applying dc current to the motor circuit with a polarization corresponding to the desired motor rotational direction, (see abstract). Fig. 1 shows that contacts S11 and S12 of the switching device S1 have a signal-less state of the associated polarity control input, (connection between the switch S1 neutral position and "rs" contact). The polarity reversing actuating switching device S1 leads 13, 14 are connected to full wave rectifier bridge consisting of diodes (D1-D4);

- The rectifier bridge (D1-D4) having control outputs, (leads 19 and 21), wherein lead 21 is connected to position responsive switch S2;
- The control relay RS with a contact "rs" that causes the voltage with one or other polarity to be applied to drive motor 6 in accordance with actuation of the motor initiated in one of the other rotational direction;
- Transistors T1, T2 and T3 that are the electronic devices that operate the motor and connected to the rectifier bridge;
- Depending upon the cover 10 position, the position responsive switch is actuated such that it opens at a predetermined reference position and closes in others.

Allowable Subject Matter

5. Claims 7-8 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

6. The following is a statement of reasons for the indication of allowable subject matter: Prior art listed in the attached PTO-892 form considered to be pertinent to the submitted application

However, none of the cited prior art teaches or suggests in combination "a control input for locking the steering mechanism that is capable of being operated only if the control input in combination with limitations discussed above that is supplied with a signal of a stationary state of the vehicle or in direction of releasing the steering mechanism.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rita Leykin whose telephone number is (703)308-5828. The examiner can normally be reached on Monday-Friday 8:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Nappi can be reached on (703)308-3370.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)308-0956.

Rita Leykin
Examiner
Art Unit 2837

A handwritten signature in black ink that reads "Rita Leykin". The signature is written in a cursive style with a large, stylized "R" and "L".

R.L.
May 6, 2002